

(a) Except as provided in paragraphs (b), and (c) of this section, a Phase I non-nationwide licensee may modify its authorization to relocate its authorized base station up to one-half the distance over 120 km toward any co-channel licensee's initially authorized base station, to a maximum distance of 8 km.

(b) A Phase I non-nationwide licensee with an authorized base station located outside a Designated Filing Area (DFA) (*see* Public Notice, DA 86-173, 52 FR 1302 (January 12, 1987)) may modify its authorization to relocate its authorized base station up to one-half the distance over 120 km toward any co-channel licensee's initially authorized base station, to a maximum distance of 25 km, so long as the base station is relocated no more than 8 km inside of any DFA (*i.e.*, no more than 8 km from the nearest DFA boundary line).

(c) A Phase I non-nationwide licensee that has been granted Special Temporary Authority (STA) to operate at an alternative base station location may modify its authorization to seek permanent authorization at that location, regardless of whether locating the station at the STA site is in strict conformance with the provisions of paragraphs (a) and (b) of this section, if the licensee certifies that such a modification is in conformance with Sections 90.723 and 90.729 and:

(1) It has constructed its base station and has placed it in operation, or commenced service, at the STA site on or before January 26, 1996; or

(2) It has taken delivery of its base station transceiver on or before January 26, 1996.

(d) The application of a Phase I non-nationwide licensee proposing a base station modification resulting in less than 120 km separation from a co-channel licensee's initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a letter submitted concurrently with the licensee's application.

(e) The application of a Phase I non-nationwide licensee proposing a base station modification resulting in at least a 120 km separation from each co-channel licensee's initially authorized base station but more than one-half the distance over 120 km toward any co-channel licensee's initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a letter submitted concurrently with the licensee's application.

5. Section 90.755 is added to Subpart T to read as follows:

Section 90.755 Procedures for License Modification.

(a) A Phase I non-nationwide licensee seeking modification of its authorization to relocate its authorized base station in accordance with the provisions of Section 90.753 must file the following on or before May 1, 1996:

(1) Form 600 requesting license modification, and providing all applicable information;

(2) Certification that the location of its proposed base station is in conformance with the provisions of Section 90.753, or, as provided in Section 90.753(d), a letter evidencing consent of a co-channel licensee that the licensee may be authorized less than 120 km from the co-channel licensee;

(3) If applicable, the required certification by a licensee with a Special Temporary Authority, in accordance with Section 90.753(c);

(4) If applicable, certification that the licensee has constructed its base station and placed it in operation, or commenced service, at its initially authorized location on or before March 11, 1996.

(b) A licensee seeking modification of its authorization to relocate its base station in accordance with the provisions of Section 90.753, should file, on or before March 11, 1996, either a modification application, as provided in paragraph (a) of this section, or a letter certifying to the Commission its intent to file an application to modify its authorization to relocate its base station. For a licensee that has not constructed its authorized base station and placed it in operation, or commenced service, by March 11, 1996, this filing will serve to extend the licensee's construction requirement in accordance with the provisions of Section 90.757.

6. Section 90.757 is added to Subpart T to read as follows:

Section 90.757 Construction requirements.

(a) Except as provided in paragraph (b) of this section, a Phase I non-nationwide licensee that is granted modification of its authorization to relocate its base station must construct its base station and place it in operation, or commence service, on all authorized channels on or before August 15, 1996, or within 12 months of initial grant date, whichever is later. The authorization of a licensee that does not construct its base station and place it in operation, or commence service, by this date, cancels automatically and must be returned to the Commission. --

(b) A Phase I non-nationwide licensee with a base station authorized at a location north of Line A must construct its base station and place it in operation, or commence service, on all authorized channels within 12 months of initial grant date, or within 12 months of the date of the release of the terms of an agreement between the United States and Canadian

governments on the sharing of 220-222 MHz spectrum between the two countries, whichever is later. The authorization of a licensee that does not construct its base station and place it in operation, or commence service, by this date, cancels automatically and must be returned to the Commission.

APPENDIX D

DESIGNATED FILING AREAS

NEW YORK

Bronx County, New York
Kings County, New York
Nassau County, New York
New York County, New York
Queens County, New York
Richmond County, New York
Bergen County, New Jersey
Essex County, New Jersey
Hudson County, New Jersey
Union County, New Jersey

LOS ANGELES

Los Angeles County, California
Orange County, California
Riverside County, California
Ventura County, California

[The Los Angeles DFA includes only that portion of Riverside County that is north of 33 degrees, 40 minutes North latitude and west of 117 degrees, 20 minutes West longitude.]

CHICAGO

Cook County, Illinois
Lake County, Indiana

PHILADELPHIA

Bucks County, Pennsylvania
Montgomery County, Pennsylvania
Philadelphia County, Pennsylvania
Burlington County, New Jersey
Camden County, New Jersey

SAN FRANCISCO and SACRAMENTO

Alameda County, California
Contra Costa County, California
Marin County, California
Sacramento County, California
San Francisco County, California
San Mateo County, California
Santa Clara County, California
Santa Cruz County, California
Solano County, California

DETROIT

Macomb County, Michigan
Oakland County, Michigan
Wayne County, Michigan

BOSTON and PROVIDENCE

Bristol County, Massachusetts
Essex County, Massachusetts
Middlesex County, Massachusetts
Norfolk County, Massachusetts
Plymouth County, Massachusetts
Suffolk County, Massachusetts
Kent County, Rhode Island
Providence County, Rhode Island

HOUSTON

Brazoria County, Texas
Fort Bend County, Texas
Galveston County, Texas
Harris County, Texas
Liberty County, Texas
Montgomery County, Texas
Waller County, Texas

WASHINGTON DC and BALTIMORE

Washington, District of Columbia
Alexandria (City), Virginia
Arlington County, Virginia
Fairfax (City), Virginia
Fairfax County, Virginia
Falls Church (City), Virginia
Ann Arundel County, Maryland
Baltimore County, Maryland
Baltimore (City), Maryland
Howard County, Maryland
Montgomery County, Maryland
Prince Georges County, Maryland

DALLAS - FORT WORTH

Collin County, Texas
Dallas County, Texas
Denton County, Texas
Ellis County, Texas
Johnson County, Texas
Kaufman County, Texas
Parker County, Texas
Rockwall County, Texas
Tarrant County, Texas

MIAMI

Dade County, Florida
Broward County, Florida

CLEVELAND

Cuyahoga County, Ohio
Geauga County, Ohio
Lake County, Ohio
Medina County, Ohio

ST. LOUIS

Franklin County, Missouri
Jefferson County, Missouri
St. Charles County, Missouri
St. Louis County, Missouri
St. Louis (City), Missouri
Clinton County, Illinois
Jersey County, Illinois
Madison County, Illinois
Monroe County, Illinois
St. Clair County, Illinois

ATLANTA

Barrow County, Georgia
Butts County, Georgia
Cherokee County, Georgia
Clayton County, Georgia
Cobb County, Georgia
Coweta County, Georgia
De Kalb County, Georgia
Douglas County, Georgia
Fayette County, Georgia
Forsyth County, Georgia
Fulton County, Georgia
Gwinnett County, Georgia
Henry County, Georgia
Newton County, Georgia
Paulding County, Georgia
Rockdale County, Georgia
Spalding County, Georgia
Walton County, Georgia

PITTSBURGH

Allegheny County, Pennsylvania
Fayette County, Pennsylvania
Washington County, Pennsylvania
Westmoreland County, Pennsylvania

MINNEAPOLIS

Anoka County, Minnesota
Carver County, Minnesota
Chisago County, Minnesota
Dakota County, Minnesota
Hennepin County, Minnesota
Isanti County, Minnesota
Ramsey County, Minnesota
Scott County, Minnesota
Washington County, Minnesota
Wright County, Minnesota
St. Croix County, Wisconsin

SEATTLE

King County, Washington
Pierce County, Washington
Snohomish County, Washington

SAN DIEGO

San Diego County, California

[The San Diego DFA includes only that portion of San Diego County that is south of 33 degrees, 30 minutes North latitude.]

TAMPA - ST.PETERSBURG

Hernando County, Florida
Hillsborough County, Florida
Pasco County, Florida
Pinellas County, Florida

DENVER

Adams County, Colorado
Arapahoe County, Colorado
Boulder County, Colorado
Denver County, Colorado

Douglas County, Colorado
Jefferson County, Colorado

PHOENIX

Maricopa County, Arizona

CINCINNATI and DAYTON

Butler County, Ohio
Clermont County, Ohio
Hamilton County, Ohio
Montgomery County, Ohio
Warren County, Ohio
Boone County, Ohio
Campbell County, Ohio
Kenton County, Ohio
Dearborn County, Ohio

MILWAUKEE

Milwaukee County, Wisconsin
Ozaukee County, Wisconsin
Racine County, Wisconsin
Washington County, Wisconsin
Waukesha County, Wisconsin

KANSAS CITY

Johnson County, Kansas
Leavenworth County, Kansas
Miami County, Kansas
Wyandotte County, Kansas
Cass County, Missouri
Clay County, Missouri
Jackson County, Missouri
Lafayette County, Missouri
Platte County, Missouri
Ray County, Missouri

PORTLAND

Clackamas County, Oregon
Marion County, Oregon
Multnomah County, Oregon
Washington County, Oregon
Yamhill County, Oregon

NEW ORLEANS

Jefferson Parish, Louisiana
Orleans Parish, Louisiana
St. Bernard Parish, Louisiana
St. Charles Parish, Louisiana
St. John The Baptist Parish, Louisiana
St. Tammany Parish, Louisiana

COLUMBUS

Franklin County, Ohio

NORFOLK

Chesapeake (City), Virginia
Hampton (City), Virginia
Newport News (City), Virginia
Norfolk (City), Virginia
Portsmouth (City), Virginia
Virginia Beach (City), Virginia

BUFFALO

Erie County, New York
Niagara County, New York

INDIANAPOLIS

Marion County, Indiana

SAN ANTONIO

Bexar County, Texas
Comal County, Texas
Guadalupe County, Texas

CHARLOTTE

Gaston County, North Carolina
Mecklenburg County, North Carolina
Union County, North Carolina
York County, North Carolina

HARTFORD

Hartford County, Connecticut

SALT LAKE CITY

Davis County, Utah
Salt Lake County, Utah
Weber County, Utah

ROCHESTER

Livingston County, New York
Monroe County, New York
Ontario County, New York
Wayne County, New York

LOUISVILLE

Bullitt County, Kentucky
Jefferson County, Kentucky
Oldham County, Kentucky
Shelby County, Kentucky
Clark County, Indiana
Floyd County, Indiana
Harrison County, Indiana

OKLAHOMA CITY

Canadian County, Oklahoma
Cleveland County, Oklahoma
Logan County, Oklahoma
McClain County, Oklahoma
Oklahoma County, Oklahoma
Pottawatomie County, Oklahoma

MEMPHIS

Shelby County, Tennessee
Tipton County, Tennessee
Crittenden County, Arkansas
De Soto County, Mississippi

BIRMINGHAM

Blount County, Alabama
Jefferson County, Alabama
Shelby County, Alabama
Walker County, Alabama

NASHVILLE

Cheatham County, Tennessee
Davidson County, Tennessee
Dickson County, Tennessee
Robertson County, Tennessee
Rutherford County, Tennessee
Sumner County, Tennessee
Williamson County, Tennessee
Wilson County, Tennessee

GREENSBORO

Forsyth County, North Carolina
Guilford County, North Carolina

ALBANY

Albany County, New York
Greene County, New York
Montgomery County, New York
Rensselaer County, New York
Saratoga County, New York
Schenectady County, New York

ORLANDO

Orange County, Florida
Osceola County, Florida
Seminole County, Florida

HONOLULU

Honolulu County, Hawaii

RICHMOND

Chesterfield County, Virginia
Colonial Heights (City), Virginia
Goochland County, Virginia
Hanover County, Virginia
Henrico County, Virginia
Petersburg (City), Virginia
Powhatan County, Virginia
Richmond (City), Virginia

JACKSONVILLE

Clay County, Florida
DuVal County, Florida
Nassau County, Florida
St. Johns County, Florida

[The Jacksonville DFA includes only those portions of St. Johns and Clay Counties that are north of 29 degrees, 55 minutes North latitude.]